

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

PERRY CLINE, on behalf of himself  
and all others similarly situated,  
Plaintiff,

v.

Civil Action No. 6:17-cv-313-JAG

SUNOCO, INC. (R&M), and,  
SUNOCO PARTNERS MARKETING  
& TERMINALS, L.P.,  
Defendants.

**ORDER**

This matter comes before the Court on the plaintiff's motion to certify the class (Dk. No. 91) and the defendants' motion for leave to file a sur-reply (Dk. No. 119). For the reasons stated in the accompanying Opinion, the Court GRANTS the motion to certify and CERTIFIES the following class:

All non-excluded persons or entities who: (1) received Untimely Payments from Defendants (or Defendants' designees) for oil proceeds from Oklahoma wells on or after July 7, 2012, and (2) who have not already been paid statutory interest on the Untimely Payments. An "Untimely Payment" for purposes of this class definition means payment of proceeds from the sale of oil production from an oil and gas well after the statutory periods identified in OKLA. STAT. tit 52, §570.10(B)(1) (i.e., commencing not later than six (6) months after the date of first sale, and thereafter not later than the last day of the second succeeding month after the end of the month within which such production is sold). Untimely Payments do not include: (a) payments of proceeds to an owner under OKLA. STAT. tit 52, §570.10(B)(3) (minimum pay); (b) prior period adjustments; or (c) pass-through payments.


The persons or entities excluded from the Class are: (1) agencies, departments, or instrumentalities of the United States of America or the State of Oklahoma; (2) publicly traded oil and gas companies and their affiliates; (3) persons or entities that Plaintiff's counsel may be prohibited from representing under Rule 1.7 of the Oklahoma Rules of Professional Conduct; and (4) officers of the court.

Further, the Court GRANTS the defendants' motion to file a sur-reply (Dk. No. 119) and DIRECTS the Clerk to docket the sur-reply (Dk. No. 119-1).

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 3 October 2019  
Richmond, VA

  
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John A. Gibney, Jr.  
United States District Judge